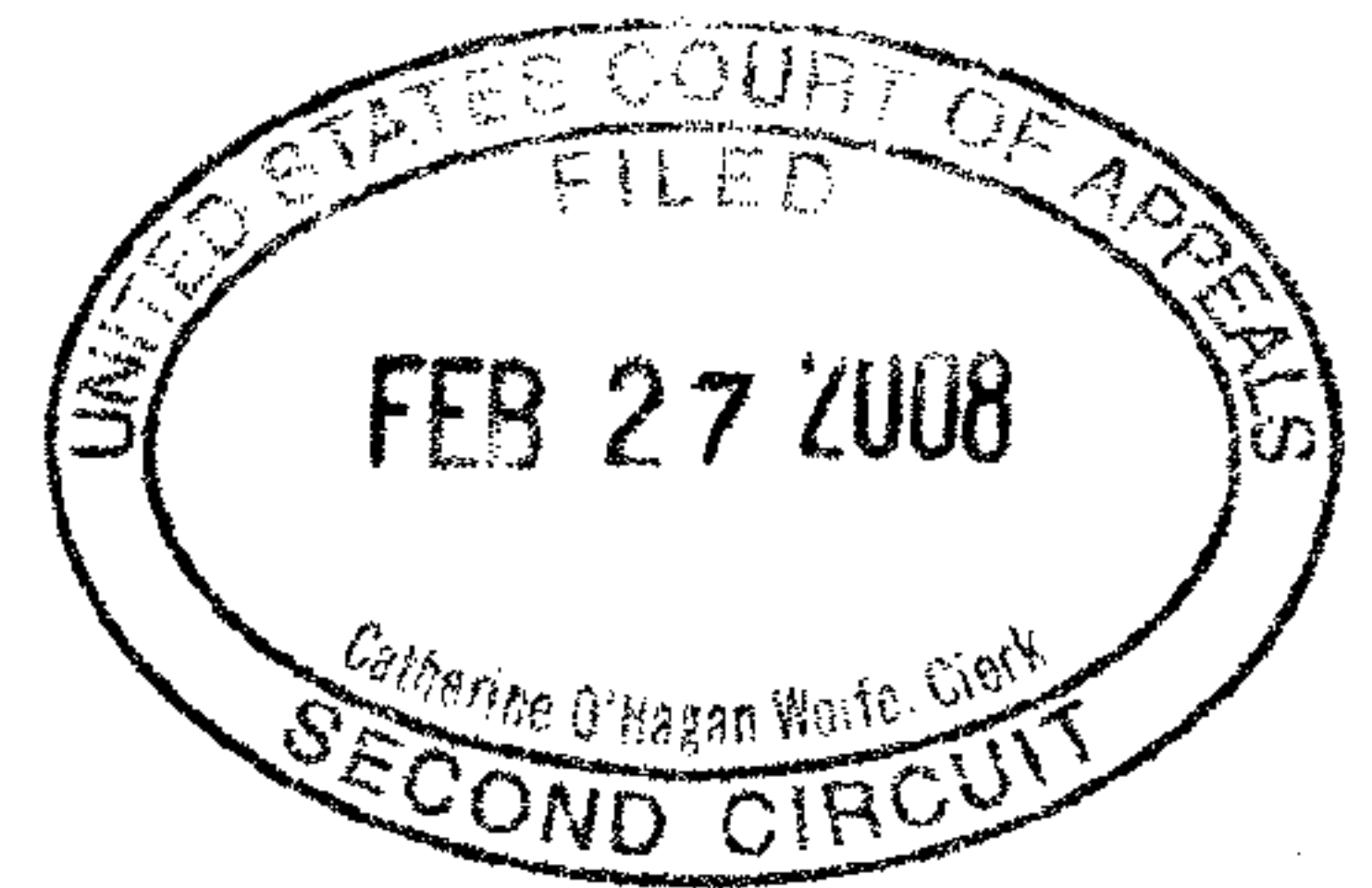


MANDATE

S.D.N.Y. -N.Y.C.
02-cv-9098
Sweet, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT



At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 27th day of February, two thousand eight,

Present:

Hon. Richard J. Cardamone,
Hon. Sonia Sotomayor,
Hon. Reena Raggi,
Circuit Judges.

Juan Hernandez,

Petitioner-Appellant,

v.

07-3702-pr

Superintendent William Phillips, *et al.*,

Respondents-Appellees.

Appellant, through counsel, moves for a certificate of appealability and to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because Appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c); *Miller-El v. Cockrell*, 537 U.S. 322 (2003).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: 

FEB 27 2008

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

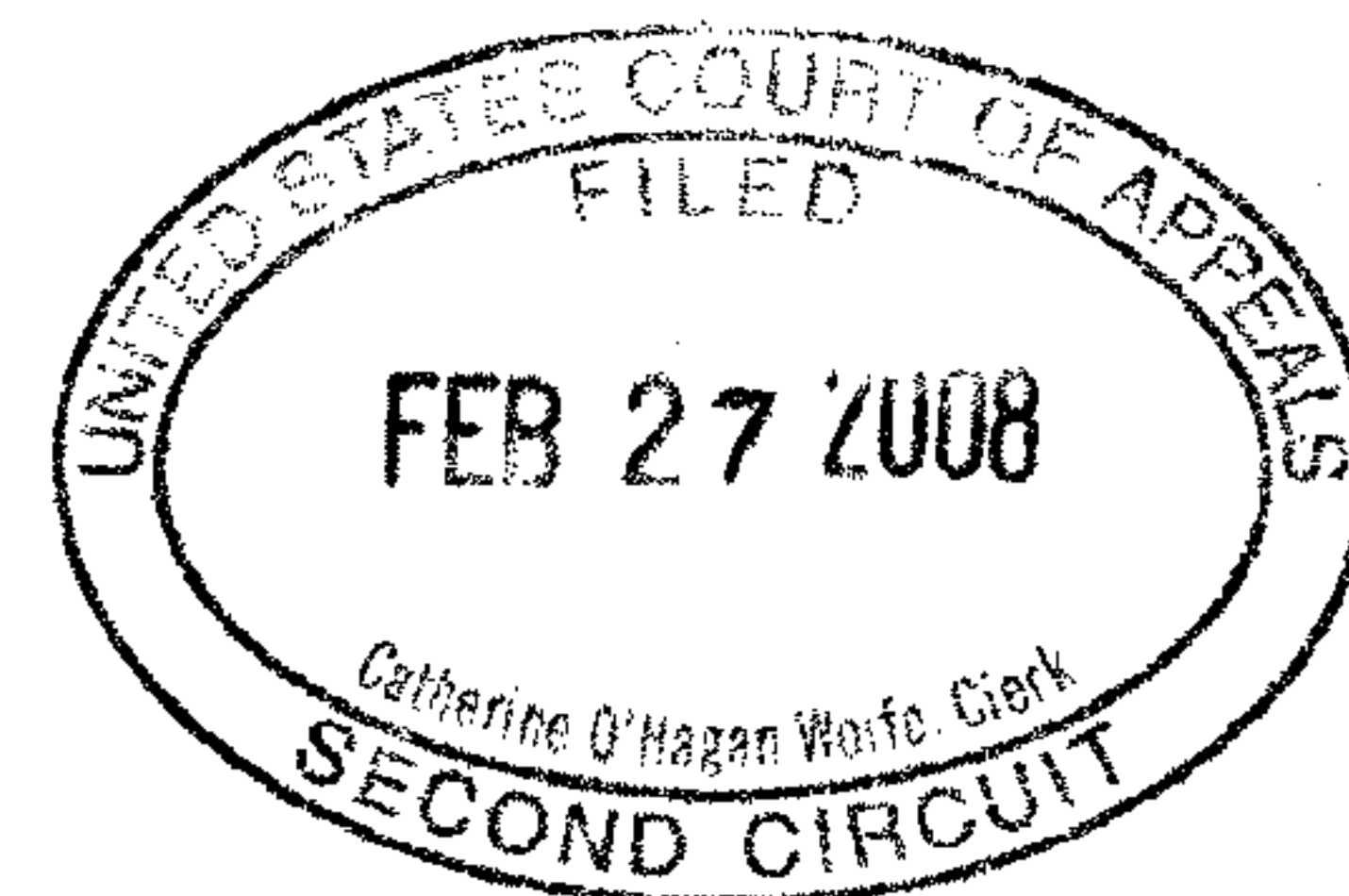
by 

Deputy Clerk

ISSUED AS MANDATE APR 11 2008

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THE MANDATE, CONSISTING OF
ITEMS BELOW, HAS BEEN RECEIVED
() OPINION () STATEMENT OF COSTS
() ORDER
RECEIVED BY: _____ DATE: _____

Juan Hernandez,

Petitioner-Appellant,

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SAO-KFW